REMARKS

Introduction and status of claims

- Claims 1-5, 7-9, and 11-17 are pending in this application.
- Claims 1-3 and 7-9 are in independent form.
- Claims 1-3 have been amended.

Comments on the claim amendments

The amendments to claims 1-3 presented herein further define the claimed feature of the "backup management unit 60." The portions underlined just below are supported by the specification, at least as follows.[1]

<Claim 1>

Claim 1 as amended recites, *inter alia*, "*a backup management unit (60), monitoring operations of the spreading and storing unit and performing, when the spreading and storing unit executes the storing process of storing specific data, spread on the memory, into the first storage unit, a first process of judging whether or not the storing process is based on an instruction of an application program that has been registered in the application registration unit and a second process of redundantly storing a copy of the specific data into the second storage unit as backup data, said second process being performed only when a positive result is obtained in said first process.*"

[1]It is of course to be understood that the references to various portions of the present application are by way of illustration and example only, and that the claims are not limited by the details shown in the portions referred to.

See, e.g., the following description from line 34, page 14, to line 7, page 15 of the present application:

> At this point, an application judgment step is executed in which the backup management unit 60 judges whether or not the storing process is based on an instruction of an application program that has been registered in the application registration step.
>
> If a positive result is obtained in this application judgment step, the backup management unit 60 provides a backup instruction to the spreading and storing unit 30. A backup step is thereby executed in which a copy of the specific data is redundantly stored as backup data into the second storage unit 70 that differs from the first storage unit 40.

<Claim 2>

Claim 2 as amended recites, *inter alia*, "*a backup management unit (60), monitoring operations of the spreading and storing unit and performing, when the spreading and storing unit executes the storing process of storing specific data, spread on the memory, into the first storage unit, a first process of judging whether or not the specific data has a file name including an extension registered in the extension registration unit and a second process of redundantly storing a copy of the specific data into the second storage unit as backup data, said second process being performed only when a positive result is obtained in said first process*."

See, e.g., the following description at lines 13-20, page 17 of the present application with respect to a basic difference from claim 1:

> With the above-described computer system according to the first embodiment, finely tuned settings are realized by designation of application programs to be subject to backup. Meanwhile, with a computer system according to the second embodiment to be described here, a method of designating data to be subject to backup by the extension included in the file name is employed. The two embodiments differ just in this point and are the same in the other basic portions.

Further, see, e.g., the following description at lines 9-14, page 18 of the present application:

> ...the backup management unit 60 shown in FIG. 3 differs in having the function of monitoring whether or not a process of storing data, having a file name that includes a registered extension, is being performed. In both cases, when a positive judgment is made, the backup process is performed on the second storage unit 70 in the same manner.

See also, e.g., the following description from line 27, page 18, to line 3, page 19, of the present application:

> Here, when the spreading and storing unit 30 executes the process of storing the specific data into the first storage unit 40, an extension judgment step is carried out in which the backup management unit 60 judges whether or not the specific data is data having a file name that includes an extension that has been registered in the extension registration step. For example, if the process of storing into the first storage unit 40 is performed on data with the file name, "aaa.xyz," on the memory 20, a positive judgment is made in the extension judgment step.
>
> If a positive result is thus obtained in the extension judgment step, the backup management unit 60 provides the backup instruction to the spreading and storing unit 30. The backup step is thereby executed in which a copy of the specific data is redundantly stored as backup data in the second storage unit 70 that differs from the first storage unit 40.

<Claim 3>

Claim 3 as amended recites, *inter alia*, "*a backup management unit (60), monitoring operations of the spreading and storing unit and performing, when the spreading and storing unit executes the storing process of storing specific data, spread on the memory, into the first storage unit, a first process of judging whether or not the storing process is based on an instruction of an application program that has been registered in the application registration unit, a second process of judging whether or not the specific data has a file name including an extension registered in the extension registration unit and a third process of redundantly*

storing a copy of the specific data into the second storage unit as backup data, said third process being performed only when a positive result is obtained in both of said first process and said second process."

See, e.g., the following description at lines 9-13, page 20 of the present application, with respect to the basic concept:

> This third embodiment can be referred to as a combination of the above-described first and second embodiments and employs a method of designating data to be subject to backup by both the application program providing the storing instruction and the extension included in the file name.

Further, see, e.g., the following description at lines 16-27, page 21 of the present application:

> Here, if the spreading and storing unit 30 executes the process of storing specific data into the first storage unit 40 based on an instruction of a specific application program, the backup management unit 60 executes an application judgment step, of judging whether or not the specific application program is an application program that has been registered in the application registration step, and an extension judgment step, of judging whether the specific data is data with a file name that includes an extension that has been registered in the extension registration step. For example, if the process of storing into the first storage unit 40 is executed on data with the file name, "aaa.xyz,"on the memory 20 by an instruction of the application program A, positive judgments are made in both of these judgment steps.

The rejections under 35 U.S.C. § 103(a)

Claims 1-4, 7-9, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0087588 A1 to McBride in view of U.S. Patent No. 5,745,669 to Hugard.

Claims 5 and 13-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McBride in view of Hugard, and further in view of U.S. Patent Application Publication No. 2002/0138504 to Yano.

Applicants submit that independent claims 1-3 and 7-9, together with the claims dependent therefrom, are patentably distinct from the cited references for at least the following reasons.

1. <Claim 1>

Claim 1 is directed to a computer system and recites, *inter alia*, that a backup management unit (60) performs two processes when the spreading and storing unit executes the storing process of storing specific data spread on the memory into the first storage unit. The first process is a process of judging whether or not the storing process is based on an instruction of an application program that has been registered in the application registration unit, and the second process is a process of redundantly storing a copy of the specific data into the second storage unit as backup data. The second process is performed only when a positive result is obtained in the first process.

McBride states that: "The mirroring application monitors the source data for change and, upon detecting changes to the source data, copies the source data to a backup data storage location accessed by the host computer via the Internet" (paragraph 0015). The mirroring application performs a first process of monitoring the source data for change and a second process of copying the source data, and the second process is performed only when a change is detected. However, these two processes of McBride are different from those of the backup management unit claimed in Claim 1. The mirroring application of McBride does detect changes to the source data, but does not examine what application program gives an instruction.

Nothing in McBride or Hugard, whether considered either separately or in any permissible combination (if any) would teach or suggest a first process of judging whether or not the storing process is based on an instruction of an application program that has been registered in the application registration unit and a second process of redundantly storing a copy of the specific data into the second storage unit as backup data only when a positive result is obtained in the first process, as recited in claim 1.

Hugard discusses that application files selected by a user are to be monitored (see lines 33-40, column 4). According to this disclosure, the Hugard system has a function to judge whether the user-selected files are changed or not. That is, Hugard does disclose a judgment of whether the user-selected files are changed or not, but does not disclose a judgment of whether or not the storing process is based on an instruction of an application program that has been registered. Furthermore, nothing in McBride or Hugard would teach or suggest making such a judgment of an application program, even if McBride and Hugard were considered together. That is, nothing in McBride and Hugard, even if considered together, would teach or suggest making a judgment whether or not the storing process is based on an instruction of an application program that has been registered. Therefore, it would not have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the mirroring application of McBride to constitute the backup management unit of the present invention claimed in claim 1.

Accordingly, claim 1 is seen to be clearly allowable over McBride and Hugard.

<Claim 2>

Claim 2 is directed to a computer system and recites, *inter alia*, "a backup management unit (60), monitoring operations of the spreading and storing unit and performing, when the spreading and storing unit executes the storing process of storing specific data, spread on the memory, into the first storage unit, a first process of judging whether or not the specific data has a file name including an extension registered in the extension registration unit and a second process of redundantly storing a copy of the specific data into the second storage unit as backup data, said second process being performed only when a positive result is obtained in said first process."

As mentioned above, McBride states that: "The mirroring application monitors the source data for change and, upon detecting changes to the source data, copies the source data to a backup data storage location accessed by the host computer via the Internet" (paragraph 0015). The mirroring application performs a first process of monitoring the source data for change and a second process of copying the source data, and the second process is performed only when a change is detected. However, these two processes of McBride are different from those of the backup management unit claimed in claim 2. The mirroring application of McBride does detect changes to the source data, but does not examine what kind of extension is included in a file name.

Nothing in McBride or Hugard, even if considered together, would teach or suggest a first process of judging whether or not the specific data has a file name including an extension registered in the extension registration unit and a second process of redundantly storing a copy of the specific data into the second storage unit as backup data only when a positive result is obtained in the first process, as recited in claim 2. Furthermore, nothing in McBride

or Hugard, even if considered together, would teach or suggest making a judgment whether or not the specific data has a file name including an extension registered in the extension registration unit. That is, there is nothing in McBride or Hugard, or in any combination of those two references, that would teach or suggest making a judgment whether or not the specific data has a file name including an extension registered.

Hugard discusses that application files having particular extensions which are provided by the user are to be monitored (lines 27-31, column 5). According to this disclosure, the Hugard system has a function to judge whether the files having particular extensions are changed or not. That is, Hugard does disclose a judgment of whether the files having user-selected extensions are changed or not, but does not disclose a judgment of whether or not the target data of the storing process from the memory into the first storage unit has a file name including an extension registered. Furthermore, nothing in McBride or Hugard, even if considered together, would teach or suggest making such a judgment of an application program.

Therefore, it would not have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the mirroring application of McBride to constitute the backup management unit of the present invention claimed in claim 2.

Accordingly, claim 2 is seen to be clearly allowable over McBride and Hugard.

<Claim 3>

The invention claimed in claim 3 comprises both of the above-noted features of claims 1 and 2. That is, independent claim 3 recites features which are similar in many relevant respects to those discussed above in connection with claims 1 and 2. Accordingly, claim 3 is believed to be patentable for at least the same reasons as discussed above in connection with claims 1 and 2.

<Claim 7>

Claim 7 is directed to an automatic data backup method, and recites, *inter alia*, "an application judgment step for making the computer system judge, when the computer system executes a storing process of storing specific data into a predetermined storage location, whether or not the storing process is based on an instruction of an application program that has been registered in the application registration step and is different from a program executing said application judgment step."

As mentioned above, McBride states that: "The mirroring application monitors the source data for change and, upon detecting changes to the source data, copies the source data to a backup data storage location accessed by the host computer via the Internet" (paragraph 0015.

The mirroring application performs a process of monitoring the source data for change, that is, it only judges whether or not the source data has been changed. It does not make any judgments whether or not the storing process is based on an instruction of an application program that has been registered. The mirroring application monitors the source

data but not application programs which give an instruction to carry out a storing process to a predetermined storage location.

Nothing in McBride or Hugard, even if considered together, would teach or suggest judging whether or not the storing process is based on an instruction of an application program that has been registered in the application registration unit. Therefore, it would not have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the mirroring application of McBride to invent an application judgment step claimed in claim 7.

Accordingly, claim 7 is seen to be clearly allowable over McBride and Hugard.

<Claim 8>

Claim 8 is directed to an automatic data backup method, and recites, *inter alia*, "an extension judgment step for making the computer system judge, when the computer system executes a storing process of storing specific data into a predetermined storage location, whether or not the specific data has a file name including an extension that has been registered in the extension registration step."

The Examiner asserted in the Office Action that the above-mentioned feature is disclosed in Hugard (abstract and paragraph 0022). However, Hugard merely discloses a backing up method which is performed by specifying source data by file or folder with a user interface, monitoring the source data for change and on detecting changes to the source data, copying the source data to a backup data storage location.

Hugard does not disclose making a judgment whether or not the target data of the storing process into a predetermined storage location has a file name including an extension

registered. Therefore, it would not have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the mirroring application of McBride to invent an extension judgment step claimed in claim 8.

Accordingly, claim 8 is seen to be clearly allowable over McBride and Hugard.

<Claim 9>

The invention claimed in claim 9 comprises both of the above-noted features of claims 7 and 8. That is, independent claim 9 recites features which are similar in many relevant respects to those discussed above in connection with claims 7 and 8. Accordingly, claim 9 is believed to be patentable for at least the same reasons as discussed above in connection with claims 7 and 8.

2. Applicants submit that the claims, including the proposed claim amendments as presented herein, are allowable because of their inventiveness over McBride and Hugard, even if those references were considered in combination, and even assuming a combination of those references would be permissible The Examiner asserted that it would have been obvious to modify the system of McBride with the teaching of Hugard to store only information about users' selected application programs or users' selected files. Applicants do not agree with the Examiner's assertion. As mentioned above, nothing in McBride or Hugard, even of considered together, would teach or suggest judging whether or not the storing process is based on an instruction of an application program that has been registered, and judging whether or not the specific data stored into the first storage unit has a file name including an

extension registered. Accordingly, the independent claims are seen to be clearly allowable over McBride and Hugard.

The dependent claims

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Respectfully submitted,

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